



RHODE ISLAND

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

March 28, 2007

Mr. Curtis Frye
US Department of the Navy
BRAC PMO, Northeast
4911 South Broad Street
Philadelphia, PA 19112-1303

RE: RIDEM Responses to Navy Comments dated 23 March 2007
Draft Phase III QAPP for Installation Restoration (IR) Program Site 16
Naval Construction Battalion Center
Davisville, Rhode Island
Submitted March 2007, Dated March 2007

Dear Mr. Frye:

The Rhode Island Department of Environmental Management, Office of Waste Management (RIDEM) has reviewed the above referenced documents. RIDEM is providing comments to the Navy's responses to the comments for the Draft Phase III QAPP for Installation Restoration (IR) Program Site 16, as appropriate.

As stated previously in other comment letters, it is planned that future Navy responses to comments will be sent in letters distributed before the documents are deemed Final.

RIDEM would like to thank you for the opportunity to comment on these documents and looks forward to working with the Navy and USEPA. If you have any questions or require additional information please call me at (401) 222-2797 ext. 7164.

Sincerely,

Brian G. Balukonis, Environmental Scientist
Office of Waste Management

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Naval Construction Battalion Center, Davisville, RI
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1. State of Rhode Island Comment No. 3: Enclosure 9.

Navy Response: The regulation cited in the comment, Rule 3.58, which defines “residential activity”, applies to residential areas and “unrestricted outdoor recreational areas”. Please note that the current lease issued by the Navy restricts the property from residential use. As noted in the Navy’s original response to RIDEM No. 3, the Comprehensive Base Reuse Plan identifies the area around E-107 as **waterfront commercial**. The FOSL found this area suitable for lease “in accordance with the Comprehensive Reuse Plan approved by the Town of North Kingstown and RIEDC in February 1994 and the National Environmental Policy Act (NEPA), Record of Decision (ROD), signed in July 1997”. While the current tenants may occasionally contact surface soils, surface waters, and sediments in the general vicinity of the docking area while Maintaining/utilizing their boats, exposure is likely to be limited and reflective of industrial/commercial/ restricted recreational types of exposures. In a similar instance at Naval Station Newport, RI, where recreational standards were at issue on a site being investigated by the Navy, Navy correspondence dated November 6, 2006 and State of Rhode Island correspondence dated January 19, 2007 resulted in the acknowledgement by RIDEM that “activities related to outdoor recreational sites with limits in place to limit exposure” fall under the definition of Industrial Commercial Activity. In summary, the Navy believes that RIDEM commercial/industrial direct contact exposure criteria or site-specific criteria derived based on the potential for exposure and risk are more appropriate than RIDEM residential criteria for this particular area.

RIDEM Comment: Based on the Navy’s response, RIDEM still maintains that the area associated with the marina is a recreational area and therefore falls under the residential direct exposure criteria RIDEM Remediation Regulation, Rule 3.58. Rule 3.34 of the RIDEM Remediation Regulations, amended 2004 allows for restricted recreational areas. The intent of the Rule was to allow for recreational activities on land that otherwise would not meet the requirements of the regulations for that use. By definition, restricted recreational land use means that there are restrictions placed on the use of the property to protect human health and the environment. Generally, this would include physical remediation as well as institutional controls with annual monitoring requirements.

As a hypothetical example, lets say someone wants to put a ball field on top of a landfill. Under Rule 3.34, at minimum, a cap would have to be placed over the landfill material to prevent physical contact with the contaminates. Institutional controls, at minimum, would include maintenance of the cap, restrictions preventing digging into the cap, restrictions on well placement in the cap, and annual reporting requirements to insure the restrictions are in place.



The current and foreseeable future use of the property is that of a marina for recreational boating. It is RIDEM's understanding that future development also includes restaurants and various shops. If the Navy feels that restricted recreational criteria can be applied to this site without adversely affecting the current and stated future use of the property the Navy may seek RIDEM's approval to do so.

